

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCO ANTONIO CUESTA,

Plaintiff,

-against-

VIPRI CORPORATION d/b/a CACIO E VINO
and GIUSTO PRIOLA,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 11/8/2024

24-CV-7101 (RA) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff filed his complaint on September 18, 2024, against defendant Vipri Corporation d/b/a Cacio E Vino, and defendant Giusto Priola, owner and operator of the restaurant "Cacio E Vino." Compl. (Dkt. 1) ¶¶ 5, 6.

Summonses were issued for both plaintiffs on September 20, 2024 (Dkts. 9, 10), and plaintiff served defendant Priola on October 7, 2024 (Dkt. 11), making defendant Priola's answer due on October 28, 2024. Although that date has come and gone, defendant Priola has not appeared and has not filed an answer to the complaint. To date, plaintiff has not requested a certificate of default.

The Court notes that plaintiff has not filed an affidavit of service on defendant Vipri Corporation. Although plaintiff alleges that "Cacio E Vino" closed in March 2024 (*see* Compl. ¶ 17), Vipri Corporation is still listed as an active New York corporation by the Secretary of State. *See* <https://apps.dos.ny.gov/publicInquiry/EntityDisplay> (last visited Nov. 8, 2024). The Court also notes that defendant Priola was served at the establishment "Cacio E Pepe" in New York, New York (Dkt. 11), which Priola allegedly opened after the closing of "Cacio E Vino." Compl. ¶¶ 17, 18.

It is hereby ORDERED that, if defendant Priola has not answered or otherwise responded to the complaint before **November 22, 2024**, plaintiff shall, on that date, either file a stipulation granting defendant Priola additional time or apply for entry of default. Additionally, plaintiff must advise the Court whether he intends to serve defendant Vipri Corporation.

Dated: New York, New York
November 8, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge